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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/784,224	01/16/1997	ANTHONY D. SULLIVAN	128-96-003	2493
35005	7590	05/18/2004	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE, 6TH FLOOR DALLAS, TX 75201			MYHRE, JAMES W	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/784,224	SULLIVAN, ANTHONY D.	
	Examiner	Art Unit	
	James W Myhre	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4,5,10,13,14,16,20,21,25 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4,5,13,14,20,21 and 29-34 is/are allowed.
- 6) Claim(s) 10, 16, and 25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 17, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Oku et al (5,675,745), Graves et al (5,410,344), Barritz (5,499,340) and Levergood (5,708,780) references. The amendment did not amend any pending claim, but added new claims 29-34. Therefore, the currently pending claims considered below are Claims 4, 5, 10, 13, 14, 16, 20, 21, 25, and 29-34.

Allowable Subject Matter

2. Claims 4, 5, 13, 14, 20, 21, and 29-34 contain allowable subject matter.

Statement of Reasons for the Indication of Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter:

As discussed in the Decision of Appeal of September 24, 2002, prior art was found which disclosed all the claimed features in Claims 4, 5, 13, 14, 20, and 21 pertaining to identifying a plurality of needs for the knowledge worker. While the references disclose the user (knowledge worker) entering a plurality of search criteria for the desired (needed) information, the Board has determined that this is not the equivalent of a plurality of needs for the knowledge worker. Therefore, the novel or

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non-obvious part of the invention is the entry of a plurality of needs, not search criteria, for the knowledge worker.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al (5,675,745) in view of Graves et al, Barritz (5,499,340), and Levergood et al (5,708,780).

Claims 10, 16, and 25: Oku discloses a knowledge management system, apparatus, and method comprising:

a. A client which generates a first request (query) for a knowledge worker (user)(col 21, lines 5-26);

b. A server which receives the first request and generates a second request to the information source (database) when information pertaining to the location of the knowledge item is found in the knowledge matrix (DMBS index)(col 21, lines 5-26); and

c. An information source (database) which responds to the second request by communicating the information requested by the first request to the server (col 21, lines 5-26).

However, Oku does not explicitly disclose generating access statistics in response to the above interactive session nor modifying a personal profile of the knowledge worker (user) in response to the access statistics. Graves discloses a similar system, apparatus, and method for tracking viewer (knowledge worker) access of audio/video programs which compiles a personal profile for each worker (col 5, lines 46-66). After each "access" the viewer rates the knowledge item (audio/video program), and the corresponding rating score is used to update the viewer's personal profile (col 7, lines 49-54). Barritz also discloses a similar system, apparatus, and method which monitors and tracks the frequency of user access to computer programs and software products (col 1, lines 8-10) and further discloses several methods that could be used as a watch module for capturing data to determine the proportional usage by any one of numerous programs/products available. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate (and compile) access statistics on Oku's client's usage. One would have been motivated to capture client access statistics in view of Oku's description of "client environments" and Graves' description of using personal profiles for tracking viewer access scores.

However, the Decision concluded that none of the references explicitly disclosed that the personal profiles are modified "in response to the access statistics". The Examiner notes that the Applicant has described "access statistics" in the specification as "times, URLs, knowledge worker inputs, activity sequences, and other information" (page 11, lines 31-32) which are used "to develop an historical footprint of the knowledge worker's activities in the system 10" (page 11, lines 32-34). This data is then

used by the watch module to "modify the personal profile 30 to customize the individual view or menus presented at the beginning of a session" (page 12, lines 5-7) and "the watch module 34 continues to adjust personal profile 30 based on the knowledge worker's use of system 10 as an account manager" (page 12, lines 20-23). Levergood discloses a similar system, apparatus, and method for tracking user access to messages and websites which stores and updates a personal profile (user profile)(col 4, lines 31-42 and col 6, lines 60-65) which is used to determine the appropriate messages and links to transmit to the user (col 8, lines 27-58). Thus, Levergood is not only tracking access statistics, but is also updating the personal profile by adjusting the value of the user's parameters each time the user accesses one or more messages and the using the updated personal profile to select appropriate messages during subsequent sessions with the user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a method to update a personal profile based on access statistics by the user in Oku. One would have been motivated to track and update a personal profile in this manner in order to present the user with the most pertinent or popular message/website/knowledge item as discussed in Levergood.

Response to Arguments

6. The Applicant argues that Levergood does not disclose modifying either a user profile or a personal profile (pages 12-13). The Examiner notes that Levergood not only discloses updating the user profile with access statistics, but also claims such in Claims

8, 9, 21, 38, and 39, stating that the system "maintains a data base relating customer information to access patterns", "wherein the information includes customer demographics" and "maintains a data base relating customer demographics to access patterns". These access patterns are a result of a prior step in the claims in which the system "tracks request paths relative to hypertext pages" and "records information from the session identifier in a transaction log". Thus, Levergood's system is tracking the access paths of the user, recording such accesses in a transaction log, and then maintains (which implies not only initializing the database, but also updating it) a database which relates the user's demographic information with the access patterns for that user. Without updating the database with the tracked access information, Levergood's database would not be able to relate the user demographic information with the user's access patterns.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

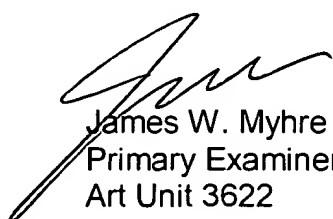
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal and Official faxes is (703) 872-9306. Draft or Informal faxes may be submitted directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.


JWM
May 17, 2004


James W. Myhre
Primary Examiner
Art Unit 3622